

REMARKS

Upon entry of the present amendment, claims 1, 4, 5, 11, 14, 19 and 20 will have been amended. Claims 3,8, 13 and 16 will have been canceled. In view of the hereincontained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant wishes to make of record a substantive telephone conversation conducted between Applicant's representative, and the Examiner in charge of the present application. Applicant wishes to respectfully thank the Examiner for her cooperation and consideration during the above-noted interview as well as for her openminded approach toward the present invention.

During the above-noted interview, Applicant's representative discussed the deficiencies of the rejections asserted by the Examiner with respect to the claims in the present application. In particular, Applicant's representative asserted that HASHIBA's detector does not inhibit a laser driver or a laser source from emitting a laser beam. Nor does it inhibit an adjuster from operating. Applicant further asserted that HASHIBA's detector does not compare a laser power control signal with a predetermined value. HASHIBA merely determines whether or not there is a connection between two devices.

Moreover, Applicant's representative asserted that there was no reason to combine the teachings of the prior art (i.e., AAPA) which does not contain any abnormal condition detector with the disclosure of HASHIBA which does not relate to a laser driver or a laser source. Moreover, Applicant's representative asserted that none of the references disclose inhibiting

“when the laser power control signal differs from a predetermined value” since HASHIBA merely relates to whether or not there is a connection.

During the above-noted interview, the Examiner asserted that regardless of Applicant’s arguments, she was of the opinion that the claims in the present application were properly rendered obvious by the combination of references (i.e., AAPA in view of HASHIBA). In particular, the Examiner directed Applicant’s attention to Fig. 2 of HASHIBA, which the Examiner asserted constituted support for the limitation of inhibiting the laser driver “when the laser power control signal differs from a predetermined value”.

Applicant respectfully traverses the above-noted position and submits that the Examiner has not provided references containing a disclosure that renders unpatentable the combination of features recited in each of Applicant’s independent claims. In particular, Applicant submits that the HASHIBA reference merely discloses whether or not there is a connection between the two devices. It does not teach when a signal differs from a predetermined value as recited in Applicant’s claim and certainly does not teach inhibiting a laser driver from emitting a laser beam. Nor are these features shown in AAPA relied upon by the Examiner.

During the above-noted interview, the Examiner noted that several claims had been allowed and, in particular, pointed out that the utilization of an NAND gate is not shown by any of the references.

In view of the Examiner’s indication, and in view of the Examiner’s position as set forth in the above-noted interview, Applicant has amended each of the independent claims to include the NAND gate and relevant recitations with respect thereto.

In this regard, Applicant notes that the Examiner has indicated claims 8, 10, 16 and 18 as being objected to for being dependent from a rejected base claim. Applicant further notes that

the Examiner indicated these claims would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. By the present response, Applicant has declined to rewrite these claims into independent form but, based on the Examiner's indication during the above-noted interview, has incorporated limitations from claims 8 and 16 into each of the respective independent claims. Applicant submits that these claims are patentable over the references of record in the present application.

In the outstanding Official Action, the Examiner objected to the drawings for not showing every feature of the invention specified in the claims. The Examiner particularly noted the "manually operable adjuster" recited in claim 2. The Examiner asserted that this feature must be shown in the drawings or canceled from the claims.

Applicant respectfully traverses the above objection and submits that it is inappropriate. In particular, Applicant pointed out (during the above-noted interview) that the drawings clearly show a manually operable adjuster as recited in claim 2. In this regard, Applicant respectfully directed the Examiner's attention to, *inter alia*, Fig. 4, which discloses the variable resistor VR attached to the I/V converter 12.

During the above-noted interview, the Examiner acknowledged the illustration of the variable resistor and requested that Applicant, in the response to the outstanding Official Action, amend the specification to make explicit reference to the term "manually operable adjuster". Accordingly, by the present response, Applicant has amended the specification to use the same term recited in Applicant's original claim 2. Accordingly, Applicant respectfully submits that the Examiner's objection to the drawings has been overcome.

In the outstanding Official Action, the Examiner rejected claims 1-7, 11-15, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (Fig. 1) and further in view of HASHIBA (JP 2001-257729).

In setting forth the rejection, the Examiner admitted that Applicant's admitted prior art (AAPA) does not disclose the abnormal condition detector as recited in, e.g., Applicant's claim 1 or the detector recited in claims 11 and 19. The Examiner relied on the secondary teaching for these features.

Applicant respectfully traverses the above rejection and submits that it is inappropriate. As set forth in more detail during the above-mentioned telephone interview, there is no reason to combine the teachings of the secondary reference with Applicant's admitted prior art. However, even if combined, there is still not teaching of, using the language of claim 1 as a nonlimiting example, an abnormal condition detector that detects, prior to the emission of the laser beam, the laser power control signal received by the reference voltage generator and inhibits the laser driver from emitting the laser beam when the laser power control signal differs from the predetermined value, and that permits the laser driver to emit the laser beam when the laser power control signal is the same as the predetermined value.

Applicant further notes that there is no reason why the references combined by the Examiner should detect "prior to the emission of the laser beam".

Since the secondary reference has no laser beam and the primary reference lacks any detecting, there is also no teaching within the combined references that would inhibit the laser driver, when a laser power control signal differs from a predetermined value. The circuit of the secondary reference, as admitted by the Examiner, merely discloses detecting disconnection in the signal lines between two devices but is not related to laser beam emission and there is no

reason why one would utilize the teachings thereof together with Applicant's admitted prior art. Accordingly, at least for these reasons, Applicant respectfully traverses the Examiner's rejection.

Nevertheless, as noted above, Applicant has, in view of the Examiner's indication during the above-noted interview, amended each of the independent claims to include recitations of the NAND gate recited in Applicant's claims 8 and 16 which have accordingly been canceled. Accordingly, at least in view of the Examiner's indication during the above-noted interview, Applicant submits that all of the claims in the present application are now in condition for allowance and an action to such effect is respectfully requested.

In this regard, Applicant notes that while he has amended each of the independent claims to include features indicated by the Examiner to not be taught, disclosed nor rendered obvious by the references applied, Applicant does not, by such amendment, acquiesce in the propriety of the Examiner's rejection. In particular, Applicant has set forth above, as well as during the above-noted interview, adequate and sufficient reasons evidencing the patentability of the unamended claims in the present application. The amendments to the claims in the present application is being made merely in order to expedite allowance of claims directed to the features of the present invention.

### SUMMARY AND CONCLUSION

By the present response, Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has made of record a telephone interview conducted between Applicant's representative and the Examiner in charge of the present application. Applicant has amended the specification to provide explicit and exact support for a feature recited in the original claims of the present application and to clarify that such feature is illustrated in the drawing of the present application.

Applicant has traversed the Examiner's rejection applied against the claims in the present application. Further, Applicant has pointed out the shortcomings and distinctions of the combination of references relied upon by the Examiner in the above-noted rejections with respect to the explicitly recited features of Applicant's invention. Applicant has, in accordance with the Examiner's indication, and without any acquiescence in the propriety of the Examiner's rejection, amended the claims to incorporate therein the features noted by the Examiner to not be disclosed by the prior art of record herein.

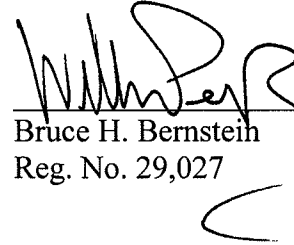
Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

The amendments to the claims which have been made in this amendment, have not been specifically noted to overcome a rejection based upon the prior art, should thus be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P23966.A10

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Tadaaki SUDA

A handwritten signature in black ink, appearing to read 'William Pieprz', is written over a horizontal line.

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